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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA DIVISION

THE BOARD OF TRUSTEES, in their capacities
as Trustees of the LABORERS HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA; LABORERS VACATION-
HOLIDAY TRUST FUND FOR NORTHERN
CALIFORNIA; LABORERS PENSION TRUST
FUND FOR NORTHERN CALIFORNIA; and
LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiff,

v.

PROTECH SERVICES, INC., a California
corporation, individually and doing business as
PROTECH GENERAL CONTRACTING
SERVICES

Defendant.

No. 12-cv-1047 MEJ

**EX PARTE APPLICATION FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE;
(PROPOSED) ORDER**

**TO: THE CLERK OF THE COURT AND DEFENDANT PENINSULA BUILDERS, INC.,
A California Corporation:**

Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case
Management Conference scheduled for June 14, 2012 at 10:00 a.m. be continued for ninety days

1 to allow Plaintiffs additional time to locate and serve Defendant with the Complaint and
2 Summons.

3 Plaintiffs filed its Complaint in this matter on February 23, 2012. Since that time,
4 Plaintiffs have attempted to serve Defendant with the Summons and Complaint in this matter, but
5 have been unable to do so. Given these facts, Plaintiffs request that Case Management
6 Conference be continued for ninety days in order to allow Plaintiffs additional time to locate and
7 serve Defendant.

8 The above stated facts are set forth in the accompanying Declaration of Concepción E.
9 Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference,
10 filed herewith.

11 Dated: June 4, 2012

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13 WEINBERG, ROGER & ROSENFELD
A Professional Corporation

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15 By: /s/ Concepción E. Lozano-Batista
16 CONCEPCIÓN E. LOZANO-BATISTA
Attorneys for Plaintiffs

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18 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

19 Based upon the foregoing Ex Parte Application for Continuance of Case Management
20 Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to
21 Continue Case Management Conference, the Court orders a continuance of the Case Management
22 Conference for 90 days, or as soon thereafter as a court date is available. In addition, the Court

23 orders: Case Management Conference is
24 continued to September 27, 2012
at 10:00 a.m., Courtroom B,
15th Flr.

25 Dated: June 5, 2012

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HONORABLE MARIA ELENA JAMES
United States District Court Judge

28 130385/670907

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PROTECH SERVICES, INC., a California
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PROTECH GENERAL CONTRACTING
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Defendant.

No. 12-cv-1047 MEJ

**DECLARATION OF CONCEPCIÓN E.
LOZANO-BATISTA IN SUPPORT OF
EX PARTE APPLICATION FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**

I, CONCEPCIÓN E. LOZANO-BATISTA, declare as follows:

1. I am a shareholder in the law firm of Weinberg, Roger & Rosenfeld, located at
1001 Marina Village Parkway, Suite 200, Alameda, California, 94501-1091, the attorneys for

1 Plaintiffs in this matter. I have knowledge of the facts stated in this Declaration and I could and
2 would testify competently thereto.

3 2. Plaintiffs filed their Complaint in this matter on February 23, 2012.

4 3. Since that time, Plaintiffs have attempted to serve Defendant with the Summons
5 and Complaint in this matter, but have been unable to do so.

6 4. Given these facts, Plaintiffs believe that the Case Management Conference set for
7 June 14, 2012 should be continued for ninety days in order to allow Plaintiffs additional time to
8 locate and serve Defendant.

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Dated: June 4, 2012

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12 WEINBERG, ROGER & ROSENFELD
A Professional Corporation

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14 By: /s/ Concepción E. Lozano-Batista
15 CONCEPCIÓN E. LOZANO-BATISTA
Attorneys for Plaintiffs

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